

## Instructions for Completing Form Plan and Summary

1. Administrative Order 02-12 is an integral part of these instructions and is incorporated herein. See ¶ 4 therein with regard to reproduction and use of the Form Plan and Summary.
2. Special Provisions
  - A. **Any deviations** from the Form Plan or Summary must be included in **Special Provisions**. Each special provision must be numbered or lettered separately and started on a separate line.
  - B. Debtors must also file and serve a motion in the event that use of Special Provisions negates more than two of the provisions of the Form Plan. The motion must set forth the necessity of the changes.
  - C. If a special provision alters or negates a provision of the Form Plan, then that Special Provision must identify that fact.
  - D. Any property to be surrendered should be listed in Special Provisions.
3. Mortgages
  - A. ¶ 4 and ¶ 5 require you to identify information about mortgages. This should be easy in most cases, but be clear in cases in which the debtor owns more than one piece of real estate.
  - B. In cases in which there are mobile homes, you should be clear whether the home is attached to realty or not and whether a lien on the realty (and the mobile home by its incorporation) or a lien on the title secures a loan. If the mobile home is not attached to realty, you should explain that in Special Provisions.
  - C. Explanations may not be crammed into ¶¶ 4 and 5 which are meant to serve as simple, column-based summaries.
  - D. In the space available beneath the Order of Priority column you should indicate the order of priority, which must be consistent with the schedules. There are only three lines, so if there are more than three mortgages and liens or more than one piece of real estate, you will need to continue on a separate page. Note that in any dispute, this priority statement will not transfer to the Form Plan as there is no place for such information.

- E. Note that the Form Plan provides for the mortgage payments to commence with the third post-petition payment regardless of who is making the payment and for calculating arrearages accordingly. If debtors want to make payments sooner, they should explain that in Special Provisions, including the change in calculating arrearages.
4. All paragraphs, other than Special Provisions, are to be used as simple, fill-in-the-blank forms. The paragraphs should not contain explanations or changes to the form, other than those explicitly solicited.
  5. The schedules must be accurate and complete or the plan may be deemed to be nonconforming. For example, the schedules must identify the priority of secured debt or the plan is gibberish.
  6. In ¶ 6 and ¶ 7, the column titled “Collateral” should include a list of all collateral held by that creditor, which must be consistent with the schedules.
  7. In ¶ 8, the column for Source & Year is to be used to make clear why this is a priority claim. Examples include:  
  
Personal Income Tax 2000  
Officer Liability Sales Tax 1997
- Feel free to use Special Provisions for further explanation if it is helpful, but list the basic information here.
8. In ¶ 8, attorney fees need not be listed. Attorney fees are listed in ¶ 10.
  9. The Plan Confirmation objection deadline is selected by the attorney to allow for variations in the time for service, e.g. those who utilize the mail for filing. The date selected by the attorney may be any date on which the court is scheduled to be open for business which is not less than twenty-five (25) days nor more than thirty-five (35) days from the date of filing. The case number shall be inserted on service copies.
  10. The Certificate of Service must comply with the Rules, i.e. specifically list each party and the party’s address.
  11. Fill the space provided in the forms prior to using overflow pages.
  12. Paragraph numbers refer to the Summary, but the same rules apply to use of the Form Plan.